

40 CFR Parts 266 and 268

[SW-FRL-5057-8]

Standards for the Management of Specific Hazardous Wastes; Amendment to Subpart C-Recyclable Materials Used in a Manner Constituting Disposal; Final Rule

AGENCY: Environmental Protection Agency.

ACTION: Final rule and response to comments.

SUMMARY: The Environmental Protection Agency (EPA or Agency) is today amending § 266.20, which contains provisions for conditionally exempting hazardous waste-derived products used in a manner constituting disposal (i.e., applied to or placed on land) from the Resource Conservation and Recovery Act (RCRA) Subtitle C regulations. The proposed amendment to § 266.20 was published on February 23, 1994 (59 FR 8583). As specified in the proposal, EPA is amending § 266.20 so that certain uses of slag residues produced from the high temperature metal recovery (HTMR) treatment of electric arc furnace dust (EPA Hazardous Waste No. K061), steel finishing pickle liquor (K062), and electroplating sludges (F006) are not exempt from RCRA Subtitle C regulations. EPA's proposal also contained a definition for "non-encapsulated" uses of HTMR slags. Following a review of the public comments, EPA is clarifying the definition of non-encapsulated uses of HTMR slags by specifying these uses to be the anti-skid/deicing uses.

This action partially implements a settlement agreement entered into by EPA on August 13, 1993 with the Natural Resources Defense Council (NRDC) and Hazardous Waste Treatment Council (HWTC). This action will effectively prohibit anti-skid/deicing uses of HTMR slags derived from K061, K062, and F006, as waste-derived products placed on the land, since such uses will be allowed only if there is compliance with all Subtitle C standards applicable to land disposal. This rule does not prohibit other uses of these slags that meet § 266.20(b) requirements. The rule also does not prevent the disposal of HTMR slags in a Subtitle D unit if the residuals can meet the risk-based exclusion levels specified in § 261.3(c)(2). EPA plans to propose a regulatory determination on the remaining uses of HTMR slags by December, 1994.

EFFECTIVE DATE: This final rule is effective on February 24, 1995.

ADDRESSES: The official record for this rulemaking is identified as Docket Number F-94-SSHF-FFFFF, and is located in the EPA RCRA Docket, room 2616 (Mail Code 5305), 401 M Street, SW., Washington, DC 20460. The docket is open from 9:00 a.m. to 4:00 p.m.,

Monday through Friday, except on Federal holidays. The public must make an appointment to review docket materials by calling (202) 260-9327. A maximum of 100 pages may be copied at no cost. Additional copies cost \$0.15 per page.

FOR FURTHER INFORMATION, CONTACT: For general information contact the RCRA Hotline, toll free at (800) 424-9346, or at (703) 412-9810. For specific questions concerning this notice, contact Narendra Chaudhari, Office of Solid Waste (Mail Code 5304), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 260-4787.

>>>> Preamble has not been included in this file. <<<<

For the reasons set out in the preamble, Chapter I of title 40 of the Code of Federal Regulations is amended as follows:

PART 266-STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

1. The authority citation for Part 266 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, and 6934.

Subpart C-Recyclable Materials Used in a Manner Constituting Disposal

2. Section 266.20 is amended by adding a new paragraph (c) to read as follows:

§ 266.20 Applicability.

* * * * *

(c) Anti-skid/deicing uses of slags, which are generated from high temperature metals recovery (HTMR) processing of hazardous waste K061, K062, and F006, in a manner constituting disposal are not covered by the exemption in paragraph (b) of this section and remain subject to regulation.

PART 268-LAND DISPOSAL RESTRICTIONS

3. The authority citation for Part 268 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, and 6924.

4. Table CCWE in § 268.41(a) is amended by redesignating footnote 2 as footnote 3 at the end of the table and in the text at waste code F020-F023, and by adding a new footnote 2 at the

end of the table and in the last column in the table,
"Nonwastewaters/Notes", for waste codes F006, K061, and K062 to
read as follows:

§ 268.41 Treatment standards expressed as concentrations in
waste extract.

(a) * * *

² See also restrictions on use of slags for anti-
skid/deicing purposes in § 266.20(c).

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